

BROWN RAYSMAN

BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP

John C. Ohman
Partner
212-895-2290
johman@brownraysman.com

November 4, 2005

By Hand

Honorable Victor Marrero
United States District Judge
United States Courthouse
40 Centre Street, Suite 414
New York, New York 10007

Re: Van Wagner Enterprises, LLC v. Alexander Brown (Civil Action No. 04 CV 3882 (VM))

Dear Judge Marrero:

This firm represents plaintiff Van Wagner Enterprises, LLC ("VWE") in the above-entitled action, and we write in response to the Court's October 27, 2005 Order directing VWE to inform the Court of the status of this matter on pain of dismissal for lack of prosecution.

I have enclosed herewith a copy of the Court's April 8, 2005 Order, pursuant to which this action was stayed pending the outcome of an action filed in the Supreme Court of the State of New York, New York County, involving the same parties, captioned *Van Wagner Communications, LLC v. Alexander M. Brown* (New York County Clerk's Index No. 602617/04) (the "New York Action").

As to the current status of the New York Action, on September 28, 2005, the Honorable Ira Gammernan struck Mr. Brown's answer and dismissed his counterclaims and third-party claims (including third-party claims asserted against VWE) therein. In addition, the court directed that the New York County Clerk enter judgment for plaintiff, Van Wagner Communications, LLC ("VWC"), an affiliate of VWE, on its complaint. Thereafter, on October 27, 2005, VWC moved, by order to show cause, for an order correcting the amount of interest to be awarded on VWC's judgment therein. That motion is returnable November 8, 2005. (A copy of VWC's motion papers is also enclosed).

Promptly after the state court rules on VWC's motion in the New York Action, we intend to contact Your Honor to request that the Court remove this action from its Suspense Docket and place it on its active docket. VWE fully intends to proceed with this matter to its conclusion as soon as the impediment to doing so – the pendency of the New York Action – has been removed.

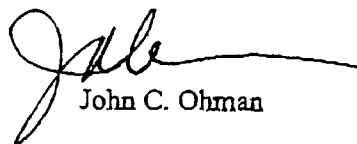
Honorable Victor Marrero

November 4, 2005

Page 2

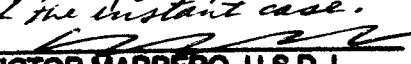
To that end, we respectfully request a conference with the Court, whether by telephone or in person, at the Court's convenience, after the hearing scheduled for November 8 in New York Supreme Court.

Respectfully,


John C. Ohman

Enclosures

cc: Alexander M. Brown (by Federal Express)

<i>Plaintiff is directed to advise the Court promptly after the November 8 hearing described above what effect, if any, the state court proceeding as it then stands has on the action pending before this Court and whether a final disposition of the state court</i>	
SO ORDERED: <i>litigation may be dispositive in part or in whole of the instant case.</i>	
<i>11-4-05</i>	
DATE	VICTOR MARRERO, U.S.D.J.